

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (Previously Presented) A method for selecting one of multiple data paths to a device, comprising:

selecting one of multiple paths indicated as enabled to transmit data, wherein a path is indicated as enabled or disabled;

gathering transfer time data for first and second transfer sizes for each path, wherein the transfer size is a size of the data being transferred in one transfer operation;

determining one path currently indicated as enabled to be selected to transfer data for the first transfer size that has transfer time data for the first transfer size satisfying a threshold transfer time; and

indicating the determined path as disabled for the first transfer size, wherein paths indicated as disabled for one of the transfer sizes are not capable of being selected to use to transmit data having the transfer size, wherein the determined path indicated as disabled for the first transfer size is enabled to transfer data for the second transfer size.

2. (Original) The method of claim 1, further comprising:

indicating one disabled path as enabled after performing a threshold number of transfer operations.

3. (Previously Presented) The method of claim 2, wherein the path indicated as disabled is disabled for a first threshold number of transfer operations if the transfer data time for the path satisfies a first threshold and is disabled for a second threshold number of transfer operations if the transfer data time for the path satisfies a second threshold.

4. (Canceled)

5. (Previously Presented) A method for selecting one of multiple data paths to a device, comprising:

selecting one of multiple paths indicated as enabled to transmit data for a plurality of transfer size ranges, wherein a path is indicated as enabled or disabled;

for each enabled path, gathering a cumulative transfer time for all transfer operations for each of the transfer size ranges during a measurement period through the path and a cumulative number of the transfer operations for each of the transfer size ranges during the measurement period; and

for each enabled path determining the average cumulative transfer time for each of the transfer size ranges for the measurement period by dividing the cumulative time for the transfer size range by the cumulative number of transfers for the transfer size range; and

indicating one of the paths as disabled for one of the transfer size ranges if the average cumulative transfer time for the path for the transfer size range satisfies a threshold, wherein the paths are capable of being selectively enabled and disabled for different transfer size ranges.

6. (Previously Presented) The method of claim 5, wherein the measurement period comprises a number of transfer operations for all paths, wherein the determination to disable paths occurs after the number of transfer operations in the measurement period has occurred, and further comprising starting another measurement period to gather transfer time data for the transfer size ranges after determining paths to disable.

7. (Canceled)

8. (Previously Presented) The method of claim 5, wherein the determination to disable paths for one of the transfer size ranges occurs after the number of transfer operations in the measurement period has occurred, and further comprising starting another measurement period to gather transfer time data for the transfer size ranges after determining paths to disable for the transfer size ranges.

9. (Previously Presented) The method of claim 5, wherein the transfer time is measured for the transfer size ranges from the time the transfer is sent to the device to the time a response is received from the device indicating that the transfer completed, further comprising

adding the transfer time for a transfer transmitted down the path to the cumulative transfer time for the transfer size range for the path.

10. (Previously Presented) The method of claim 5, further comprising:

for each enabled path, determining a best average transfer time for each of the transfer size ranges from the average cumulative transfer times for each of the transfer size ranges for all paths, wherein determining whether the average cumulative transfer time for one path and transfer size range satisfies the threshold comprises determining whether the average cumulative transfer time for the transfer size range and the path exceeds the best average transfer time for the transfer size range by a percentage amount.

11. (Previously Presented) The method of claim 10, wherein determining whether the average cumulative transfer time for each of the transfer size ranges satisfies the threshold further comprises disabling the path for one of the transfer size ranges for a first number of transfer operations if the average cumulative transfer time for the transfer size range for the path exceeds the best average transfer time for the transfer size range by a first percentage amount and disabling the path for the transfer size range for a second number of transfer operations in response to determining that the average cumulative transfer time for the transfer size range for the path exceeds the best average transfer time by a second percentage amount.

12. (Original) The method of claim 1, wherein the multiple paths comprise multiple paths between a first controller and a second controller, and wherein one path is selected to transmit updates to a primary storage area managed by the first controller to the second controller to store in a secondary storage area.

13. (Canceled)

14. (Original) The method of claim 1 wherein the paths extend through a network.

15-42. (Canceled)

43. (Previously Presented) The method of claim 1, wherein the threshold is satisfied if a percentage of a first average transfer time for the given path exceeds second average transfer time.

44-45. (Canceled)

46. (Previously Presented) The method of claim 1, wherein the threshold transfer time comprises a first threshold transfer time and wherein the determined path disabled for the first transfer size is enabled for the second transfer size in response to transfer time data for the second transfer size for the determined path not satisfying a second threshold transfer time.

47-48. (Canceled)